

# **Exhibit 1**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Freda L. Wolfson
	:	
v.	:	Criminal No. 14-287
	:	
MENDEL EPSTEIN ET AL.	:	

**DECLARATION**

SILVANA SOTILLO makes the following statement pursuant to Title 28, United States Code, Section 1746.

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), currently assigned to the Red Bank, New Jersey Resident Agency of the Newark Division. I have a Bachelor's degree in Computer Science from Austin Peay State University in Clarksville, Tennessee.

2. I have been a Special Agent with the FBI for more than ten years and have received training in the investigation of federal crimes. In particular, I have been involved in the investigation of bank robberies, kidnappings, violent gangs, narcotics, fugitives and other violent crimes.

3. I have been involved since August 2013 with the investigation involving Mendel Epstein and his associates. As such, I am familiar with the facts and circumstances surrounding the Mendel Epstein investigation. I have worked with other FBI agents in this investigation, as well as other federal, state and local law enforcement personnel, and I am familiar with the information contained in this declaration, either through personal investigation or through information provided by other law enforcement personnel who have conducted interviews or who have themselves obtained information that they in turn have reported to me. I have also reviewed documents, court filings and electronically stored information ("ESI") relevant to this

investigation. Finally, I have listened to and/or reviewed transcripts of telephone conversations recorded during court-authorized electronic surveillance.<sup>1</sup>

4. I am aware that, as part of the Mendel Epstein investigation, multiple search and seizure warrants were executed on September 27, 2013 and October 9, 2013 in Virginia, New Jersey and New York. Following the execution of these warrants, one of my primary duties in the Mendel Epstein investigation involved coordinating the submission of various evidence items containing ESI to the New Jersey Regional Computer Forensics Laboratory (“RCFL”). I am also responsible for returning evidence items containing ESI to the individuals and/or entities which were the subject of the warrants. As part of my training and experience as an FBI agent, including information I have received from other law enforcement personnel, I am familiar with the policies and procedures of the RCFL.

#### **RCFL Procedures**

5. Evidence items containing ESI are submitted to the RCFL so the ESI can be processed and made available for review by the investigative agents. When an evidence item containing ESI is submitted to the RCFL, a forensic examiner (“FE”) preserves the evidence item and creates a verifiable image to a Storage Area Network (“SAN”) volume, or volumes, as required depending on the quantity of evidence seized. Such verifiable images can only be access by the FE through network administration controls requiring unique user identity logons and passwords. The FE processes the image in a forensic tool. Once the image is processed, the investigating agents can review the evidence seized and select relevant ESI using the FBI’s Case Agent Investigative Review (“CAIR”) process.

6. After the investigative agents have selected relevant ESI, the FE extracts and

---

<sup>1</sup> Because this declaration is being submitted for the limited purpose of responding to motions to suppress filed by the defendants in the above-captioned matter, I have not included every fact known to me regarding the Mendel Epstein investigation.

forensically copies the selected material to removable storage media such as compact discs (“CDs”), digital versatile discs (“DVDs”), hard drives, or similar media. The FE enters these items into the RCFL’s evidence system as derivative evidence (“DE”) which is subsequently provided to the investigative agents. The evidence items containing ESI, originally submitted to the RCFL, are returned to the investigating agents.

### **Processing of ESI Evidence**

7. The process of submitting and processing ESI in the Mendel Epstein investigation began shortly after the execution of the search and seizure warrants on October 9, 2013. The original evidence items are in the custody of the FBI and are ready to be returned.

8. During the search of defendant Mendel Epstein’s home in Lakewood, New Jersey, FBI agents seized the following two items containing ESI: two laptop computers.

9. During the search of defendant Mendel Epstein’s home in Brooklyn, New York, FBI agents seized the following seven items containing ESI: two laptop computers, one all-in-one desktop computer, one iPad, one Blackberry Bold cellular phone, two landline telephones.<sup>2</sup>

10. In addition to the above-mentioned searches, there were approximately 18 additional items containing ESI that were obtained from seven other locations/individuals that are not the subject of Mendel Epstein’s suppression motion. Thus, there were a total of 27 items containing ESI that were obtained during this investigation.

### **Processing of ESI Evidence**

11. Of the nine ESI items seized from defendant Mendel Epstein’s Lakewood and Brooklyn homes (the “Epstein ESI Items”), six items were submitted to the RCFL to be forensically imaged for review by the investigative agents: five were submitted on January 8,

---

<sup>2</sup>The following additional electronic items were seized from Mendel Epstein’s home in Brooklyn, New Jersey, but did not contain ESI: two desktop computers that contained no hard drive.

2014, and one was submitted on October 8, 2014.<sup>3</sup> As to the remaining three Epstein ESI Items (the Blackberry Bold cellular phone and the two landline telephones), the data from those devices was extracted by the FBI on or about September 26, 2014.<sup>4</sup>

12. Between the seizure of the Epstein ESI Items on October 9, 2013, and the initial submission to the RCFL on January 8, 2014, I was involved in the following aspects of this investigation: (1) as the arrest coordinator for those individuals arrested at the warehouse on October 9, 2013, I was responsible for the processing of evidence obtained from the arrestees; (2) as the case agent in charge of the two vehicle search warrants executed on October 15, 2013, I was responsible for processing the evidence obtained from those searches and submitting the ESI seized to the RCFL;<sup>5</sup> and (3) in November, I was one of two agents assigned to process all the physical evidence and ESI items obtained from the three searches executed at Mendel Epstein's Brooklyn and Lakewood homes and Martin Wolmark's office. In total, I processed approximately 180 items of evidence, including the 27 ESI items.

13. Additionally, during this time, I was assigned to two other cases (a fugitive investigation and a drug investigation) and had other collateral duties, including providing crisis negotiator training to local and state law enforcement during a one-week training course, and assisting the SWAT Team during at least two deployments. I also took two weeks of annual leave over the Thanksgiving and Christmas holidays.

14. After each submission, the RCFL processed the ESI items in accordance with the RCFL's standard operating procedures. Pursuant to these operating procedures, the RCFL

---

<sup>3</sup> This particular item was not submitted to the RCFL until October 8, 2014, when the FBI discovered that it was not just a monitor but actually an all-in-one computer that may contain ESI.

<sup>4</sup> Of the 18 ESI items that are not the subject of Mendel Epstein's suppression motion, approximately 10 were submitted to the RCFL to be forensically imaged for review by the investigative agents. The data from the remaining eight items was extracted by the FBI.

<sup>5</sup> I submitted the ESI items seized from the two vehicles to the RCFL on November 1, 2013.

assigned FEs to the Epstein ESI Items on January 27, 2014, February 24, 2014, and November 20, 2014. The Epstein ESI Items were then processed by the FEs and made available for review by the investigative agents on February 27, 2014, April 8, 2014, and December 6, 2014. The New Jersey RCFL is an extremely busy office that processes and forensically analyzes ESI submitted by federal, state and local law enforcement agencies all over the state of New Jersey.

15. After the ESI became available for review by the investigative agents, I initially conducted the review through remote access from an FBI classified desktop, which proved exceptionally slow and was limited to one reviewer at a time. Due to my other assigned investigations and collateral duties described above, I had a limited amount of time to dedicate to this assignment. In mid-September 2014, I was relieved of my other case assignments and tasked to focus exclusively on this investigation. However, I was the only investigative agent working on the review of all 25 ESI items obtained during this investigation until October 9, 2014. Around that time, two additional investigative agents were added to this assignment and, in lieu of remote access, the review was conducted onsite at the RCFL, which allowed multiple reviewers to access the ESI items at one time.

16. The ESI items were reviewed by the three investigative agents (including myself) at the RCFL on the following dates: December 2, 10, 17, 18, 19, 22 and 23, 2014.<sup>6</sup>

17. Pursuant to the RCFL operating procedure, after the investigative agents completed their review and selected the relevant ESI, the FEs forensically copied the selected material to removable storage media (CDs and DVDs). The FEs then entered those items into evidence as derivative evidence and made the media containing the derivative evidence available to the investigative agents on or about December 31, 2014. The investigative agents conducted no further review of the ESI items.

---

<sup>6</sup>The dates on which I conducted the review remotely were not recorded.

### **Discovery Production of ESI Items**

18. On May 22, 2014, Mendel Epstein and four other defendants were indicted. The USAO began discovery production on a rolling basis on or about June 12, 2014. On September 11, 2014, a Superseding Indictment was returned against Mendel Epstein and five other defendants.

19. On August 29, 2014, the USAO informed all defense counsel that the 27 ESI items were available for their inspection at the RCFL and that if they wished to obtain copies of these items, they should provide an external hard drive for that purpose. See Gov. Discovery Letter, dated Aug. 29, 2014 (attached hereto as Exhibit A). On October 16, 2014, the USAO provided all defense counsel with 21 CDs/DVDs containing copies of 14 of the ESI items, and further clarified that they should provide six specific-sized external hard drives if they wished to obtain copies of the remaining 12 ESI items.<sup>7</sup> See Gov. Discovery Letter, dated Oct. 16, 2014 (attached hereto as Exhibit B).

20. By letter dated October 21, 2014, counsel for Martin Wolmark stated that the three computers seized from Wolmark's office "contained private, personal and privileged Yeshiva documents relating to its staff and students." See Brafman Letter, dated Oct. 21, 2014 (attached hereto as Exhibit C).

21. Between November 14-24, 2014, counsel for defendants Menachem Eichenthal, Mendel Epstein, Martin Wolmark and Jay Goldstein provided the necessary hard drives to obtain copies of these 12 ESI items. On December 3, 2014 and December 5, 2014, the USAO returned to each of the defendants the six hard drives containing copies of the 12 ESI items. See Gov. Discovery Letters, dated Dec. 3 and 5, 2014 (attached hereto as Exhibits D and E).

---

<sup>7</sup> One of the ESI items is a passcode locked iPad (belonging to Ariel Potash) that is not accessible to the USAO and, thus, cannot be copied for the defense. Thus, only 26 ESI items are now involved in this investigation.

22. On December 9, 2014, Mr. Stahl's associate informed the USAO by email that there was a possibility of privileged and/or irrelevant material in "the larger bulk of discovery." See Gasiorowski Email, dated Dec. 9, 2014 (attached hereto as Exhibit F).

23. On or about December 31, 2014, the USAO began reviewing the relevant ESI. In doing so, the USAO refrained from reviewing any email communications obtained from defendant Mendel Epstein's computers. Similarly, after an initial review of the information obtained from Martin Wolmark's computers revealed one potentially privileged clerical-communicant email, the USAO refrained from reviewing any further emails from Martin Wolmark's computers.

24. The foregoing statements are true to the best of my knowledge, information and belief.

s/ Silvana Sotillo  
SILVANA SOTILLO  
Special Agent  
Federal Bureau of Investigation

DATED: January 16, 2015  
Trenton, New Jersey



# **EXHIBIT A**



**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

---

402 East State Street, Room 430  
Trenton, New Jersey 08608

609-989-2190

August 29, 2014

Robert G. Stahl, Esquire  
Law Offices of Robert G. Stahl, LLC  
220 St. Paul Street  
Westfield, New Jersey 07090

Benjamin Brafman, Esquire  
Brafman & Associates  
767 Third Avenue  
New York, New York 10017

Aidan P. O'Connor, Esquire  
Pashman Stein  
21 Main Street, Suite 100  
Hackensack, New Jersey 07601

Henry Mazurek, Esquire  
Clayman & Rosenberg LLP  
305 Madison Avenue  
New York, New York 10165

Nathan Lewin  
Lewin & Lewin, LLP  
1775 Eye Street NW, Suite 850  
Washington, DC 20006

Re: United States v. Mendel Epstein et al.  
Crim. No. 14-287 (FLW)

Dear Counsel,

This letter provides additional discovery pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure and the Court's Standing Discovery Order, and seeks reciprocal discovery.

Enclosed please find the following items:

1. One CD containing the following documents (bates numbered US 001003 – 1637):

<b>BATES #</b>	<b>FILE NAME</b>	<b>DESCRIPTION</b>
US 001003	01-01	UCE-1 E-Mails with ORA 9/10/12 & 9/11/12
US 001004-1006	01-02	E-Mail to Rabbi Shlomo Weissmann
US 001007-1011	01-03	1. Letter to Alejandro Marconi from Beth Din of America and transmittal envelope; 2. certified letter to Alejandro Marconi from Beth Din of America and transmittal envelope
US 001012-1016	01-04	1. Letter to Alejandro Marconi from Beth Din of America and transmittal envelope; 2. certified letter to Alejandro Marconi from Beth Din of America and transmittal envelope
US 001017-1021	01-05	1. Letter to Alejandro Marconi from Beth Din of America and transmittal envelope; 2. certified letter to Alejandro Marconi from Beth Din of America and transmittal envelope
US 001022-1024	01-06	1. Envelope containing letter from Rabbi SHLOMO WEISSMANN to ALEJANDRO MARCONI entitled "HARRA'OS SERUV (WARNING OF ISSUANCE OF CONTEMPT ORDER); 2. Fed Ex package airbill
US 001025-1033	01-07	One envelope of certified US mail from the Beth Din of America to Alejandro Marconi, containing a letter from Rabbi Shlomo Weissmann and a document entitled "SHTAR SERUV" signed by Rabbi Gedalia Dov Schwartz; 2. one envelope of US mail from the Beth Din of America to Alejandro Marconi, containing a letter from Rabbi Shlomo Weissmann and a document entitled "Shtar Seruv signed by Rabbi Gedalia Dov Schwartz. 3. fedex packing slip
US 001034	01-08	UCE-2 Emails with Rabbi Mendel Epstein on 08/19/13
US 001035-1037	01-09	UCE-2 Emails with Rabbi Mendel Epstein on 09/02/13
US 001038-1040	01-10	UCE-2 Emails with Rabbi Mendel Epstein on 09/18/13
US 001041	01-11	UCE-2 Emails with Rabbi Mendel Epstein on 09/24/13
US 001042	01-12	Emails with Rabbi Mendel Epstein
US 001043-1058	02-01	Mendel Epstein Arrest Documents
US 001059- 1067	02-02	David Epstein Arrest Documents
US 001068-1074	02-03	Martin Wolmark Arrest Documents
US 001075-1106	02-04	Jay Goldstein Arrest Documents
US 001107-1119	02-05	Binyamin Stimler Arrest Documents
US 001120-1135	03-01	Ariel Potash arrest documents
US 001136-1145	03-02	Sholom Shuchat arrest documents
US 001146-1160	03-03	David Hellman arrest documents

US 001161-1172	03-04	Simcha Bulmash arrest documents
US 001173-1179	03-05	Avrohom Goldstein arrest documents
US 001180-1187	03-06	Moshe Goldstein arrest documents
US 001188-1199	04-01	Photospread shown to victim I.M. with positive ID of David Epstein
US 001200-1201	04-02	Front pages of Jewish Press
US 001202-1203	04-03	Front pages of Jewish Press
US 001204	04-04	Photo of I.M.'s injuries
US 001205-1206	04-05	Poster
US 001207-1208	04-06	Miscellaneous papers pertaining to I.M. kidnapping and other info
US 001209	04-07	Miscellaneous papers pertaining to I.M. kidnapping and other info
US 001210	04-08	Miscellaneous papers pertaining to I.M. kidnapping and other info
US 001211-1216	04-09	Documents pertaining to the kidnapping of U.Y.C. obtained on www.rbc.gov.il website
US 001217-1228	04-10	Photo spread shown to victim M. T.
US 001229	04-11	Photograph of victim U.Y.C.'s wrists taken on 11/21/2011 by SA Kamerman
US 001230	04-12	Photograph of victim U.Y.C.'s wrists taken on 11/21/2011 by SA Kamerman
US 001231	04-13	Photograph of victim U.Y.C.'s wrists taken on 11/21/2011 by SA Kamerman
US 001232	04-14	Photograph of assault of U.Y.C. and victim M.T.
US 001233	04-15	Photograph of assault of U.Y.C. and victim M.T.
US 001234	04-16	Photograph of assault of U.Y.C. and victim M.T.
US 001235-1240	04-17	Photographs of victims M.T. and U.Y.C. after the beating
US 001241-1261	04-18	Medical records of victim M.T. from Lutheran Hospital in Brooklyn, NY
US 001262-1266	04-19	email from harry schick with information and photographs pertaining to the assault on victim H.S. and her get.
US 001267-1277	04-20	email from harry schick with information pertaining to the assault on victim H.S. and her get.
US 001278-1297	05-01	search administrative worksheet, evidence recovery log, photo logs and sketch from search at 100 blue heron way, Edison, NJ on 10/09/13
US 001298-1311	05-02	Crime Scene Sign-in log, administrative worksheet, search warrant execution log, evidence log, sketch, FD-597, from 10/09/13 search iof 1147 MacKenzie Court, Lakewood, NJ
US 001312-1328	05-03	ERT documents for search of Honda Odyssey Minivan with NY Reg. GGT-7042

US 001329-1345	05-04	ERT Documents for Vehicle search of Toyota Sienna minivan; NY Reg. DCP-8756
US 001346-1352	06-01	Copies of Wachovia Bank Statements for JUDY WAX, Free Checking account; account number 1010231842262; July 22, 2010 through October 21, 2011
US 001353-1395	07-01	Photos from 100 Blue Heron Way
US 001396-1416	08-01	01-AOL SW for Mendel Epstein - Application
US 001417-1422	08-02	02-AOL SW for Mendel Epstein - Warrant
US 001423-1452	08-03	03-Blue Heron - Affidavit re Oral App
US 001453-1480	08-04	04-Blue Heron - Affidavit re Visual App
US 001481-1485	08-05	05-Blue Heron - Order Authorizing Oral Interception
US 001486-1490	08-06	06-Blue Heron - Order Authorizing Visual Interception
US 001491-1511	08-07	07-Brooklyn SW - Affidavit
US 001512-1517	08-08	08-Brooklyn SW - Warrant
US 001518-1537	08-09	09-GPS SW for Martin Wolmark cell phone - Application
US 001538-1543	08-10	10-GPS SW for Martin Wolmark cell phone - Warrant
US 001544-1563	08-11	11-GPS SW for Mendel Epstein cell phone - Application
US 001564-1569	08-12	12-GPS SW for Mendel Epstein cell phone - Warrant
US 001570-1587	08-13	13-Honda Odyssey - Application for Warrant
US 001588-1592	08-14	14-Honda Odyssey - Search Warrant
US 001593-1608	08-15	15-Lakewood House SW - Application
US 001609-1613	08-16	16-Lakewood House SW - Warrant
US 001614-1631	08-17	17-Toyota Sienna - Application for Warrant
US 001632-1637	08-18	18-Toyota Sienna - Search Warrant

2. Eleven CDs (bates numbered US 000992d - 1002d), which contain the following media files:

<b>BATES #</b>	<b>DESCRIPTION</b>
US 000992d	10/2/13: UCE-2 audio recording of call from UCE-1 during Beth Din
US 000993d	8/1/13-8/5/13: UCE-2 calls to Rabbi Shlomo Weissman (Beth Din of America)
US 000994d	7/22/13-8/1/13: UCE-1 call to Rabbi Shlomo Weissman (Beth Din of America)
US 000995d	6/6/13-7/18/13: UCE-1 calls to/voicemails from Rabbi Shlomo Weissman (Beth Din of America)

US 000996d	5/29/13 - UCE-2 calls to/voicemails from Rabbi Shlomo Weissman (Beth Din of America)
US 000997d	5/21/13-5/22/13: UCE-1 calls to/voicemails from Rabbi Shlomo Weissman (Beth Din of America)
US 000998d	5/7/13-5/20/13: UCE-1 calls with Rabbi Shlomo Weissman (Beth Din of America) 5/9/13: UCE-1 call w/ Helen Axelrod (Beth Din of America)
US 000999d	4/17/13-4/18/13: UCE-1 calls with Helen Axelrod (Beth Din of America) 4/18/13: UCE-1 call with Rabbi Shlomo Weissman (Beth Din of America)
US 001000d	3/22/13-4/4/13: calls/voicemails - UCE-1 and Helen Axelrod (Beth Din of America)
US 001001d	3/1/13-3/6/13: calls/voicemails - UCE-1 and Helen Axelrod (Beth Din of America)
US 001002d	1/30/13-2/6/13 - UCE-1 calls to Keshet Star (ORA)

Also, the following electronic evidence is available for your inspection at the RCFL. If you would prefer to obtain copies of any of these items, please provide an external hard drive and we can arrange for such copies to be made. Please let me know if you wish to inspect and/or obtain copies of these items and we will make the necessary arrangements.

BATES #	ITEM DESCRIPTION	OBTAINED FROM
<b>Cellular Phones</b>		
US 001638p	Sprint Treo Cell Phone	Victim I.M.
US 001639p	Blackberry BOLD MEID# 268435459716769742	485 E. 9th St
US 001640p	KOKIA phone IMEI#012569009483421	Jay Goldstein
US 001641p	Sprint Kyocera ESN 268435459910286387	91 W. Carlton Rd
US 001642p	Iphone	Toyota Sienna
US 001643p	Metro PCS Phone S/N u3zmb9292012540	Toyota Sienna
US 001644p	Samsung Phone SKU SCHU365RPP	Ariel Potash
US 001645p	Blackberry (917) 589-7599	Ariel Potash
US 001646p	Samsung Galaxy phone	Sholom Shuchat
<b>Computers</b>		
US 001647p	DELL Laptop #cn-0ff049-12961-6ba-2154	485 E. 9th St
US 001648p	HP Computer #4cs9490f3t	485 E. 9th St
US 001649p	DELL Computer #44q2021	485 E. 9th St
US 001650p	HP Computer #2ua910119o	485 E. 9th St
US 001651p	DELL Computer # 6hmt5f1	91 W. Carlton Rd
US 001652p	DELL Computer # 1l2xvr1	91 W. Carlton Rd
US 001653p	DELL Computer # 7bn8yv1	91 W. Carlton Rd

US 001654p	Samsung Laptop #hnhk93qbb03700y	485 E. 9th St
US 001655p	HP Laptop #cn484829k4	1147 MacKenzie Ct.
US 001656p	DELL Laptop #22kst51	1147 MacKenzie Ct.
US 001657p	DELL Laptop #cn-048042-70166-89q-0hng	Honda Odyssey
<b>Other Phones</b>		
US 001658p	Uniden Phone Model bo20140426	485 E. 9th St
US 001659p	Panasonic Cordless Phone	485 E. 9th St
<b>iPads</b>		
US 001660p	Apple IPAD #dlxh9828dnqr	485 E. 9th St
US 001661p	Apple IPAD #f4gjjg079f19k	Honda Odyssey
<b>Other</b>		
US 001662p	Eight Memory Cards	91 W. Carlton Rd
US 001663p	Garmin Nuvi #2zz018522	Honda Odyssey
US 001664p	Garmin Nuvi #268060276	Toyota Sienna
US 001665p	Motorola radio #749thl5649	Honda Odyssey

Finally, a large number of physical items are available for your inspection at the Newark FBI Office. We will provide a detailed list of these items next week. Once you have reviewed the list, please let me know if you wish to inspect these items and we will make the necessary arrangements.

Additional discovery will be forthcoming as soon as possible. Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request.

Very truly yours,

PAUL J. FISHMAN  
United States Attorney

s/ R. Joseph Gribko  
By: R. Joseph Gribko  
Sarah M. Wolfe  
Assistant U.S. Attorney

Encls.

# **EXHIBIT B**





**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

402 East State Street, Room 430  
Trenton, New Jersey 08608

609-989-2190

October 16, 2014

Robert G. Stahl, Esquire  
Law Offices of Robert G. Stahl, LLC  
220 St. Paul Street  
Westfield, New Jersey 07090

Henry Mazurek, Esquire  
Clayman & Rosenberg LLP  
305 Madison Avenue  
New York, New York 10165

Benjamin Brafman, Esquire  
Brafman & Associates  
767 Third Avenue  
New York, New York 10017

Nathan Lewin  
Lewin & Lewin, LLP  
1775 Eye Street NW, Suite 850  
Washington, DC 20006

Aidan P. O'Connor, Esquire  
Pashman Stein  
21 Main Street, Suite 100  
Hackensack, New Jersey 07601

Noah Ephraim Shelanski, Esquire  
Hafetz & Necheles LLP  
One Grand Central Place  
60 East 42nd Street, 36th Floor  
New York, NY 10165

Re: United States v. Mendel Epstein et al.  
Crim. No. 14-287 (FLW)

Dear Counsel,

This letter provides additional discovery pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure and the Court's Standing Discovery Order, and seeks reciprocal discovery.

Enclosed please find one DVD containing the following items (bates numbered US 052893 – 053538):

<b>BATES #</b>	<b>DESCRIPTION</b>
US 052893-52896	Ketubah and photographs of UCE-1 and CS
US 052897-52899	T III diagram and summary
US 052900-52907	Business cards of CS
US 052908-52917	Seruv from Beth Din of America, July 18, 2013
US 052918-52933	Phone records for David Wax

US 052934-52945	EZ Pass records for David Wax
US 052946-52991	Phone records for Taryag Legacy Foundation
US 052992-53067	Phone records for Norma Wax
US 053068-53069	Photograph of Mendel Eichenthal
US 053070-53090	Medical records for victim M.T.
US 053091-53123	Photographs of victim M.T. and U.C.
US 053124-53126	Seruv from Beth Din of America, May 23, 2013
US 053127-53134	Seruv from Beth Din of America, May 23, 2013
US 053135-53142	Letter from Beth Din of America, March 6, 2013
US 053143-53149	Letter from Beth Din of America, April 4, 2013
US 053150-53157	Letter from Beth Din of America, April 22, 2013
US 053158-53169	Emails between UCEs and Rabbi Shlomo Weissman
US 053170-53182	Evidence log for search of 485 E. 9th Street, Brooklyn, NY
US 053183-53258	Photographs from search of 485 E. 9th Street, Brooklyn, NY
US 053259-53429	Photographs from search of 100 Blue Heron Way, Edison, NJ
US 053430-53449	Evidence log for search of 91 W. Carlton Road, Suffern, NY
US 053450-53457	Hebrew documents re: U.C. get
US 053458-53528	Lakewood Police reports and photographs re: victim I.M.
US 053529-53535	Photographs of Mendel Epstein and Jay Goldstein on September 29, 2013
US 053536-53538	Video surveillance of Mendel Epstein and Jay Goldstein on September 29, 2013

Enclosed please find one DVD containing phone records (bates numbered US 001689 – 052892). A detailed index is attached.

With regard to the electronic evidence available for your review at the RCFL that was referred to in the Government's letter dated August 29, 2014:

- 1) Enclosed please find 21 CDs/DVDs containing the data from the following items:

<b>CORRESPONDING DISC BATES #</b>	<b>PHYSICAL ITEM BATES #</b>	<b>ITEM DESCRIPTION</b>	<b>OBTAINED FROM</b>
<b>Cellular Phones</b>			
US 001686d	US 001638p	Sprint Treo Cell Phone	Victim I.M.
US 001685d	US 001639p	Blackberry BOLD MEID # 268435459716769742	485 E. 9th St
US 001688d	US 001640p	NOKIA phone IMEI#012569009483421	Jay Goldstein
US 001672d	US 001641p	Sprint Kyocera ESN 268435459910286387	91 W. Carlton Rd
US 001687d	US 001644p US 001645p	Samsung Phone SKU SCHU365RPP Blackberry (917) 589-7599	Ariel Potash

US 001668d - 1670d	US 001646p	Samsung Galaxy phone	Sholom Shuchat
<b>Other Phones</b>			
US 001682d	US 001658p US 001659p	Uniden Phone Model bo20140426 Panasonic Cordless Phone	485 E. 9th St
<b>Other</b>			
US 001673d - 1681d	US 001662p	Eight Memory Cards (only seven with data)	91 W. Carlton Rd
US 001671d	US 001663p US 001664p	Garmin Nuvi #2zz018522 Garmin Nuvi #268060276	Honda Odyssey Toyota Sienna
US 001684d		2 CD-ROMs	91 W. Carlton Rd
US 001683d		7 CD-ROMs	91 W. Carlton Rd

- 2) If you wish to obtain copies of the data from the following items, please provide six external hard drives with ***at least*** the respective storage capacity listed (or larger):

<b>PHYSICAL ITEM BATES #</b>	<b>ITEM DESCRIPTION</b>	<b>OBTAINED FROM</b>	<b>EXTERNAL HARD DRIVE NEEDED</b>
US 001647p US 001654p US 001660p	DELL Laptop #cn-0ff049-12961-6ba-2154 Samsung Laptop #hnhk93qbb03700y Apple IPAD #dlxh9828dnqr	485 E. 9th St	2 TB
US 001648p	HP Computer #4cs9490f3t	485 E. 9th St	80 GB
US 001651p US 001652p US 001653p	DELL Computer # 6hmt5f1 DELL Computer # 112xvr1 DELL Computer # 7bn8yv1	91 W. Carlton Rd	1 TB
US 001655p US 001656p	HP Laptop #cn484829k4 DELL Laptop #22kst51	1147 MacKenzie Ct.	120 GB
US 001657p	DELL Laptop #cn-048042-70166-89q-0hng	Honda Odyssey	250 GB
US 001642p US 001643p	iPhone Metro PCS Phone S/N u3zmb9292012540	Toyota Sienna	16 GB thumb drive

- 3) The following items contained no data:

<b>PHYSICAL ITEM BATES #</b>	<b>ITEM DESCRIPTION</b>	<b>OBTAINED FROM</b>
US 001649p	DELL Computer #44q2021	485 E. 9th St
US 001650p	HP Computer #2ua910119o	485 E. 9th St
US 001665p	Motorola radio #749thl5649	Honda Odyssey

Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request.

Very truly yours,

PAUL J. FISHMAN  
United States Attorney

s/ R. Joseph Gribko  
By: R. Joseph Gribko  
Sarah M. Wolfe  
Assistant U.S. Attorney

Encls.

# EXHIBIT C

**BRAFMAN & ASSOCIATES, P.C.**

ATTORNEYS AT LAW

767 THIRD AVENUE, 26TH FLOOR

NEW YORK, NEW YORK 10017

TELEPHONE: (212) 750-7800

FACSIMILE: (212) 750-3906

E-MAIL: BBRAFMAN@BRAFLAW.COM

BENJAMIN BRAFMAN

ANDREA ZELLAN

JOSHUA D. KIRSHNER

JACOB KAPLAN

ALEX SPIRO

MARK M. BAKER  
OF COUNSEL

MARC AGNIFILO  
OF COUNSEL  
ADMITTED IN N.Y. AND N.J.

October 21, 2014

**VIA EMAIL**

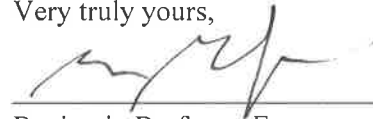
AUSA R. Joseph Gribko  
AUSA Sarah M. Wolfe  
United States Attorney's Office  
District of New Jersey  
402 East State Street - Room 430  
Trenton, NJ 08608

Re: United States v. Mendel Epstein, et al.  
14-CR-287 (FLW)

Dear AUSAs Gribko and Wolfe,

As part of the Government's investigation in this case, federal agents seized numerous laptops and computers—including three computers from Yeshiva Shaarei Torah located at 91 West Carlton Road in Suffern, NY. As the Government is aware, Martin Wolmark is the dean of Yeshiva Shaarei Torah. The three seized computers belong to the Yeshiva and, as such, contain many private, personal and privileged Yeshiva documents relating to its staff and students. Moreover, we believe that these computers do not contain any documents or other evidence that has any relevance to this case. Consequently, while we appreciate that the Government has made all computers and laptops seized by the Government available to all defendants in this case (see 10/16/14 Discovery Letter), we request that the Government not provide copies of these three computers (DELL Computer ## 6hmt5f1, 112xvr1, 7bn8yv1) to the other defendants in this case.

Very truly yours,



Benjamin Brafman, Esq.  
Attorney for Martin Wolmark

cc: Robert G. Stahl, Esq. (via email)  
Aidan P. O'Connor, Esq. (via email)  
Henry Mazurek, Esq. (via email)  
Nathan Lewin, Esq. (via email)  
Noah Ephraim Shelanski, Esq. (via email)

# EXHIBIT D



**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

402 East State Street, Room 430  
Trenton, New Jersey 08608

609-989-2190

December 3, 2014

Robert G. Stahl, Esquire  
Law Offices of Robert G. Stahl, LLC  
220 St. Paul Street  
Westfield, New Jersey 07090

Henry Mazurek, Esquire  
Clayman & Rosenberg LLP  
305 Madison Avenue  
New York, New York 10165

Benjamin Brafman, Esquire  
Brafman & Associates  
767 Third Avenue  
New York, New York 10017

Nathan Lewin, Esquire  
Lewin & Lewin, LLP  
1775 Eye Street NW, Suite 850  
Washington, DC 20006

Aidan P. O'Connor, Esquire  
Pashman Stein  
21 Main Street, Suite 100  
Hackensack, New Jersey 07601

Noah Ephraim Shelanski, Esquire  
Hafetz & Necheles LLP  
One Grand Central Place  
60 East 42nd Street, 36th Floor  
New York, NY 10165

Re: United States v. Mendel Epstein et al.  
Crim. No. 14-287 (FLW)

Dear Counsel,

Enclosed please find copies of the following devices:

<b>PHYSICAL ITEM BATES #</b>	<b>ITEM DESCRIPTION</b>	<b>OBTAINED FROM</b>	<b>EXTERNAL HARD DRIVE NEEDED</b>
US 001647p US 001654p US 001660p	DELL Laptop #cn-0ff049-12961-6ba-2154 Samsung Laptop #hnhk93qbb03700y Apple IPAD #dlxh9828dnqr <sup>1</sup>	485 E. 9th St	2 TB
US 001651p US 001652p US 001653p	DELL Computer # 6hmt5f1 DELL Computer # 112xvr1 DELL Computer # 7bn8yv1	91 W. Carlton Rd	1 TB

<sup>1</sup> Please note that the contents of the Apple IPAD have been copied onto a separate DVD, which is enclosed.



US 001657p	DELL Laptop #cn-048042-70166-89q-0hng	Honda Odyssey	250 GB
US 001642p US 001643p	iPhone Metro PCS Phone S/N u3zmb9292012540	Toyota Sienna	16 GB thumb drive

The RCFL is working on copying the remaining devices listed below and they will be provided to you as quickly as possible, potentially as soon as the beginning of next week:

<b>PHYSICAL ITEM BATES #</b>	<b>ITEM DESCRIPTION</b>	<b>OBTAINED FROM</b>	<b>EXTERNAL HARD DRIVE NEEDED</b>
US 001648p	HP Computer #4cs9490f3t	485 E. 9th St	80 GB
US 001655p US 001656p	HP Laptop #cn484829k4 DELL Laptop #22kst51	1147 MacKenzie Ct.	120 GB

Some of you have expressed concern about the expediency of the Government's discovery production. As you recall, the Government informed you by letter dated August 29, 2014, that electronic evidence was available for your inspection at the RCFL and that if you wished to obtain copies, you should provide an external hard drive for that purpose. On October 16, 2014, the Government sent you 21 CDs/DVDs containing some of this electronic evidence and specified the six external hard drives that you needed to provide for copying of the remaining electronic evidence. The Government received the requested six external hard drives from the following four defendants on the following dates:

Mendel Eichenthal – November 14, 2014  
Mendel Epstein – November 18, 2014  
Martin Wolmark – November 20, 2014  
Jay Goldstein – November 24, 2014

Thus, all of the external drives were not received until November 24, 2014, over a month after the Government's October 16, 2014 letter. The Government submitted the external drives to the RCFL the very next day, November 25, 2014, for copying. Five business days have since elapsed and the Government is now providing you with copies of the devices containing the most voluminous data. We are well aware of the February 2, 2014 trial date and will provide copies of the remaining devices as soon as possible.

Additionally, enclosed please find a CD containing English translations of various Hebrew documents previously produced (bates numbered US001211-1216, US052893, US053450-53457), along with a translation certification and memo (bates numbered US053539-3540). These translated copies are bates numbered identically as the original Hebrew documents with the suffix "t" (e.g., US001211t). We note that, per the Court's Discovery Order, such translations must be produced thirty days prior to the date of trial.

With regard to 404(b) evidence, Jencks and Giglio material, and trial exhibits, these materials will be produced according to the schedule set forth in the Court's Discovery Order.

We are happy to schedule a meeting or conference call at your convenience to discuss this matter further. Please advise as to your availability.

Very truly yours,

PAUL J. FISHMAN  
United States Attorney

s/ R. Joseph Gribko  
By: R. Joseph Gribko  
Sarah M. Wolfe  
Assistant U.S. Attorney

Encls.

cc: Henry Mazurek, Esquire (w/o digital evidence encls.)  
Nathan Lewin, Esquire (w/o digital evidence encls.)

# **EXHIBIT E**



**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

402 East State Street, Room 430  
Trenton, New Jersey 08608

609-989-2190

December 5, 2014

Robert G. Stahl, Esquire  
Law Offices of Robert G. Stahl, LLC  
220 St. Paul Street  
Westfield, New Jersey 07090

Aidan P. O'Connor, Esquire  
Pashman Stein  
21 Main Street, Suite 100  
Hackensack, New Jersey 07601

Benjamin Brafman, Esquire  
Brafman & Associates  
767 Third Avenue  
New York, New York 10017

Noah Ephraim Shelanski, Esquire  
Hafetz & Necheles LLP  
One Grand Central Place  
60 East 42nd Street, 36th Floor  
New York, NY 10165

Re: United States v. Mendel Epstein et al.  
Crim. No. 14-287 (FLW)

Dear Counsel,

Enclosed please find copies of the following devices:

<b>PHYSICAL ITEM BATES #</b>	<b>ITEM DESCRIPTION</b>	<b>OBTAINED FROM</b>	<b>EXTERNAL HARD DRIVE NEEDED</b>
US 001648p	HP Computer #4cs9490f3t	485 E. 9th St	80 GB
US 001655p US 001656p	HP Laptop #cn484829k4 DELL Laptop #22kst51	1147 MacKenzie Ct.	120 GB

Very truly yours,

PAUL J. FISHMAN  
United States Attorney

s/ R. Joseph Gribko  
By: R. Joseph Gribko  
Sarah M. Wolfe  
Assistant U.S. Attorneys

Encls.

cc: Henry Mazurek, Esquire (via email, w/o encls.)  
Nathan Lewin, Esquire (via email, w/o encls.)

# **EXHIBIT F**

**From:** [Laura Gasiorowski](#)  
**To:** [Gribko, Joseph \(USANJ\)](#); [Wolfe, Sarah \(USANJ\)](#)  
**Cc:** ["Robert G. Stahl"](#)  
**Subject:** Mendel Epstein  
**Date:** Tuesday, December 09, 2014 5:23:59 PM

---

Ms. Wolfe and Mr. Gribko:

I am an associate working with Mr. Stahl on the Mendel Epstein case and have been assisting with reviewing the AOL emails. We are not clear on the process once we have completed our initial search for attorney/client communications. Once we provide you with a log of emails we have identified as privileged, what will then occur at your end? Is there a "clean team" who will then review those, or will that team then proceed to review only the remaining emails located in the bulk of what you obtained from AOL? Or will counsel begin reviewing the emails once the privilege log is complete?

There is the possibility of additional material within the email data, and in the larger bulk of discovery, that may warrant a clergy/communicant privilege, or that is simply not relevant to the charged offenses. Is there a team that will be reviewing the data on the electronic storage media, and then turning over only what is responsive to you?